REMARKS

Applicant herein has revised the specification and claim 11 to change "5" to "5.57" as requested by the examiner, so that the text comport with the examples. Claims 4 and 90 have been amended to clarify that the amount of other monomers is relative to difunctional methacrylate monomer, as was apparent in original claim 4 prior to amendment in the previous response. Claims 98 and 99 are amended to correct typographical errors. No new matter is added. All amendments are directed to matters of form, not substance, and reduce issues on appeal and/or place the claims in condition for allowance. Accordingly, all amendments should be entered.

Claims 3 and 89 were rejected under §112, second paragraph for the reasons stated in the final action. The amendments to these claims delete "tetraethylene glycol trimethacrylate," which is believed to overcome the rejection.

The objection under 35 USC §132 for new matter has been overcome due to the modifications to the specification and claims. In particular, "5" has been changed to "5.57" as requested by the examiner at the relevant passages.

Claims 4 and 90 were rejected under §112 with respect to the amount "about 5 to about 30 percent." The examiner suggested that these claims be amended to conform to the proportions set forth for part A at page 9, line 24 to page 10, line 2. Owing to the original language for claim 4, the amendment above is proposed to overcome the rejection. Favorable reconsideration is respectfully requested.

Claims 1, 3-6, and 8-15 were rejected under §103 based on EP 96,500 in view of EP 452,540. The examiner reasoned

> The newly claimed content of difunctional methacrylate monomer of from 10-80 percent by weight in independent claims 1 and 15 is not exemplified in European '500. European '540 teaches the use of from 1-60% of an alkanediol dimethacrylate in first component (A) (page 2, lines 15-16) and exemplifies 20% of ethylene glycol dimethacrylate (page 4, Example 9).

> It would have been obvious to employ the alkanediol dimethacrylate such as the exemplified butylene glycol dimethacrylate of European '500 in an amount of as much as 20% shown in European '540 in order to enhance the water and fuel resistance (European '540, abstract, page 2, Use/Advantage section, last line).

(Final Action at pages 3-4.) Applicants disagree.

Contrary to the examiner's allegation, there is no teaching or suggestion or motivation to employ "1-60%" of alkanediol dimethacrylate or "as much as 20%" of butylene glycol dimethacrylate, as disclosed in EP '540, in the composition disclosed in EP '500. The examiner's allegation is founded on the premise that a skilled artisan would use such 20% to "enhance the water and fuel resistance." However, this property – water and fuel resistance – is of the entire adhesive disclosed in EP '540. This passage thus constitutes merely a statement as to the desired properties of the final composition, not a suggestion that motivates a skilled artisan to modify the composition of EP '500 by picking selected items in selected proportions. As such, there is no suggestion that any particular component should be selected and employed in the stated percentage in an entirely different composition. The mere fact that both EP '540 and EP '500 disclose alkanediol dimethacrylates is not sufficient.

What is more, the compositions of EP '500 and '540 are quite different. EP '500 discloses a unique cure system which includes ferrocene as a required component. The cure system provides "a controllable induction period ... followed by rapid polymerization." (Page 2, lines 3-6.) By contrast, EP '540 strictly uses an organic peroxide. Owing to the specific properties of EP '500's composition, a skilled artisan would not be motivated to make changes to use five times, or more, dimethacrylate based on the disclosure in an unrelated reference (the EP '540 reference). Furthermore, there is no indication that "water and fuel resistance" is a desired property, let alone is deficient, in EP '500's composition.

What is more, while the examiner cites EP '540 for the proposition that 20% dimethacrylate can be used in the composition of EP '500, it should be noted that EP '500 uses 53% of monofunctional monomer and 42% of a copolymer (see e.g., example 3 where 43% tetrahydrofurfuryl methacrylate and 10% methacrylic acid and 42% of a copolymer are used). These components total 95% of the composition As such, there would be no room for 20% dimethacrylate.

Accordingly, a skilled artisan would not be motivated to make the change to EP '500 that was suggested by the examiner.

The error is further evidenced by EP '500 requiring the presence of the copolymer. See, e.g., example 3, where two copolymers are used, totaling about 42% of the composition. Specifically, since 53% of the EP '500 composition is monofunctional methacrylate and 42% is a copolymer (totaling 95%), there is clearly no reason why a skilled artisan would use 10% or more of difunctional methacrylate. Indeed, owing to these percentages, a skilled artisan would be affirmatively motivated to not increase the amount of difunctional methacrylate.

Similarly, EP '500 discloses only 2 percent of its difunctional methacrylate in the examples, which is the only place in EP '500 where any amounts of difunctional methacrylate are disclosed. The claimed lower end of 10 percent is roughly 5 times greater than that disclosed in EP '500 if EP '500 discloses 2 percent of the total adhesive (and roughly 10 times greater if the 2 percent is for an A side or B side only). As such, EP '500 does not teach or suggest compositions that employ 10 to 80 percent by weight of difunctional methacrylate.

In view of the foregoing, the examiner erred in rejecting the claims based on EP '500 in view of EP '540. The rejection should therefore be withdrawn.

Claims 1, 3-6, and 8-15 were rejected under §103 based on EP 452,540 and JP 53-144760 in view of EP 96,500. The examiner reasoned that

> The newly claimed content of difunctional methacrylate monomer of from 10-80 percent by weight in independent claims 1 and 15 is not recited in Japanese '760. Japanese '760 sets forth each liquid of the two-liquid adhesive as containing polyethylene glycol dimethacrylate. It would have been obvious to employ the alkanediol dimethacrylate such as the polyethylene glycol dimethacrylate of Japanese '760 in an amount of as much as 20% by weight shown in European '540 in order to enhance the water and fuel resistance (European '540, abstract, page 2, Use/Advantage section, last line).

(Final Action at page 4.)

In response, applicant initially notes that EP '500 as well as the combination of EP '500 with EP '540 have been distinguished above, and are reiterated here.

The JP '760 abstract gives no percentages whatsoever for the difunctional methacrylate. Hence, JP '760 also does not teach or suggest 10 to 80 percent difunctional methacrylate in the adhesive system.

In addition to the English abstract provided by the examiner, applicant obtained a translation of Tables 1 and 2 in JP '760. A copy of the English translation of Tables 1 and 2 were attached to the previous response. Notably, neither example employs a dimethacrylate in JP '760.

Furthermore, the compositions of EP '540 and JP 53-144760 are completely different. In this regard, note that JP 53-144760 calls for an elastomer such as NBR or SBR. In Table 1, 10 parts by weight of carboxylated NBR are employed on both the A and B sides. Likewise, a silane coupling agent is used in all cases; however, there is no suggestion in EP '540 that a silane coupling agent can be used in the disclosed composition of EP '540. JP 53-144760 states, moreover, that the composition disclosed therein is for adhering optical lens, which use is neither taught nor suggested in EP '540. As such, the composition of JP 53-144760 is designed for a specific purpose and attempts to modify it would be fraught with the prospect of destroying the purpose of the invention of JP 53-144760. What is more, there is no indication that the uses relied upon by the examiner to justify the combination – namely to enhance the water and fuel resistance – have any relation whatsoever to adhering two lens together as described in JP 53-144760. Indeed, water and fuel resistance appear to be irrelevant to the use described in JP 53-144760 and there is no indication that the cured adhesive would even be exposed to the elements in the use contemplated by JP 53-144760. Accordingly, a skilled artisan would not seek to use 20% or more of a difunctional methacrylate in the composition of JP 53-144760. This further exemplifies the lack of teaching or suggestion to support the combination alleged by the examiner.

In view of the foregoing, JP 53-144760, alone or in combination with any of the applied references including EP '540, does not teach or suggest claimed invention.

The rejection of claims 1, 3-6 and 8-15 based on EP 452,540 and JP 53-144760 in view of EP 96,500 should therefore be withdrawn.

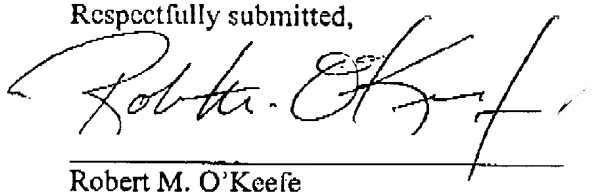
CONCLUSION

In view of the foregoing, it is submitted that the §103 rejections should be withdrawn. Favorable reconsideration and prompt issuance of a Notice of Allowance is respectfully requested.

No fee is believed to be due, however, should any fees under 37 CFR 1.16-1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct such fees from Deposit Account No. 10-1205.

The examiner is invited to contact the undersigned at the phone number indicated below with any questions or comments, or to otherwise facilitate expeditious and compact prosecution of the application.

Respectfully submitted,



Robert M. O'Keefe
Registration No. 35,630
Attorney for Applicants

O'KEEFE, EGAN & PETERMAN
1101 Capital of Texas Highway South
Building C, Suite 200
Austin, Texas 78746
(512) 347-1611
FAX: (512) 347-1615